

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 28**

**PIMALCO, INC.**

**Employer**

**MARCUS SEKAYOUMA, an Employee**

**Case 28-RD-887**

**Petitioner**

**and**

**UNITED STEELWORKERS OF  
AMERICA, AFL-CIO, CLC**

**Union**

**ORDER VACATING NOTICE OF HEARING AND DISMISSING PETITION**

On January 17, 2003, the petition was filed in the above-captioned case and a Notice of Representation Hearing issued scheduling the matter for hearing on January 24, 2003. On January 23, the Union filed an unfair labor practice charge in Case 28-CA-18462. A Complaint and Notice of Hearing issued on March 31, 2003, alleging that the Employer violated Section 8 (a) (1) and (5) of the Act by failing to bargain in good faith with the Union, and by bypassing the Union and dealing directly with employees regarding their wages, hours, and other terms and conditions of employment.

In cases involving unfair labor practices other than a general refusal to recognize and bargain, the Board considers several factors to determine whether there is a causal

relationship between the unremedied unfair labor practices and the decertification petition. These factors include the length of time involved between the unfair labor practices and the petition, the nature of the illegal acts, possible tendency of these acts to cause employee disaffection from the union, and the effect of the unlawful conduct on employee morale, organizational activities, and membership in the union. *Master Slack Corp.*, 271 NLRB 78, 84 (1984); *Williams Enterprises*, 312 NLRB 937, 939 (1993). Direct dealing with bargaining unit employees is the type of unfair labor practice that the Board finds could reasonably by its very nature cause employee disaffection and undermine employee support for the union. *American Pine Lodge Nursing*, 325 NLRB 98 (1997). In these circumstances, it cannot be established that there is a genuine question concerning representation. Accordingly,

IT IS ORDERED that the Notice of Hearing previously issued in this matter, be, and it hereby is, withdrawn.

IT IS FURTHER ORDERED that the petition be, and it hereby is, dismissed.<sup>1</sup>

Dated at Phoenix, Arizona this 1<sup>st</sup> day of April 2003.

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Cornele A. Overstreet, Regional Director

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<sup>1</sup> Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action. Any request for review of this action must be received by the Board in Washington, D.C., 20570, by the close of business on April 15, 2003. See attached form National Labor Relations Board-4916 for detailed instructions for filing a request for review.